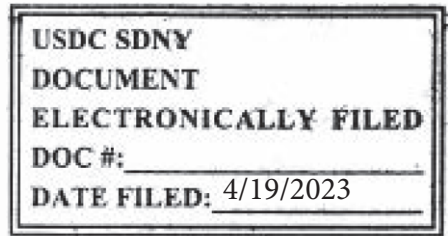


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- X
ZANTAZ ENTERPRISE ARCHIVE SOLUTION,
LLC f/k/a CAPAX DISCOVERY, LLC,

Plaintiff,

- against -

MIDMICHIGAN HEALTH & MID-MICHIGAN
HEALTH CARE SYSTEMS, INC.,

Defendants.
----- X

Case No. 1:22-cv-09395

STIPULATION AND ORDER

WHEREAS, Plaintiff filed the operative Amended Complaint in this action on December 8, 2022 (Dkt. 18);

WHEREAS, Defendants filed a motion seeking to dismiss Plaintiff's Amended Complaint on December 19, 2022 (Dkt. 21), which was fully briefed on January 26, 2023;

WHEREAS, pursuant to Order dated February 1, 2023, this Court granted Plaintiff's former counsel's motion to withdraw from representation and stayed this action to permit Plaintiff to obtain substitute counsel (Dkt. 34);

WHEREAS, pursuant to Order dated March 29, 2023, this Court extended the stay up to and including April 5, 2023, to allow Duke Holzman Photiadis & Gresens LLP to be formally retained as Plaintiff's substitute counsel (Dkt. 36);

WHEREAS, the parties have met and conferred and wish to avoid the time and expense of litigating questions concerning jurisdiction, venue, and Plaintiff's desire to file a Second Amended Complaint in this action;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, UPON
ORDER OF THIS COURT:

1. This action is transferred to the United States District Court for the Eastern District of Michigan pursuant to 28 U.S.C. § 1404(a).

2. Plaintiff and Defendants submit to the jurisdiction and venue of the United States District Court for the Eastern District of Michigan for this action.

3. Plaintiff is granted leave to file a Second Amended Complaint.

4. Plaintiff's Second Amended Complaint shall be filed in the United States District Court for the Eastern District of Michigan within thirty (30) days of this Order.

5. Defendants' Motion to Dismiss (Dkt. 21) is denied without prejudice, and Defendants are permitted to file a new motion seeking dismissal of Plaintiff's Second Amended Complaint in the United States District Court for the Eastern District of Michigan after it is filed, or to otherwise respond to the anticipated Second Amended Complaint in accordance with the Federal Rules of Civil Procedure and the rules for the United States District Court for the Eastern District of Michigan.

6. The parties do not waive, and reserve, all of their respective claims and defenses, except those regarding the venue and jurisdiction in the United States District Court for the Eastern District of Michigan.

7. This Court does not retain jurisdiction over this action.

[Remainder of page intentionally left blank]

Dated: April 5, 2023

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GRESENS LLP



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SO ORDERED:

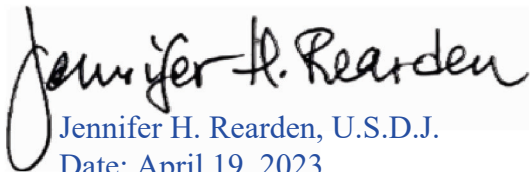
Hon. Jennifer H. Rearden, U.S.D.J.

Date: _____

The parties have stipulated to the transfer of this action to the United States District Court for the Eastern District of Michigan. See 28 U.S.C. § 1404(a) ("For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to . . . any district or division to which all parties have consented."). The Court takes no position on the remainder of the stipulation between the parties and defers to the Eastern District of Michigan on matters of scheduling.

Accordingly, the Clerk of Court is directed to transfer this action to the United States District Court for the Eastern District of Michigan without delay. This order supersedes the seven day waiting period established in Local Rule 83.1.

SO ORDERED.



Jennifer H. Rearden, U.S.D.J.
Date: April 19, 2023